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OFFICE OF PETITIONS

In re Application of :
Peter HILDEBRANDT et al. :
Application No. 09/322,715 :
Filed: May 28, 1999 :
Attorney Docket No. GR98P4106 :

ON PETITION

This is a decision on the petitions, filed October 9, 2002 and resubmitted January 11, 2006, requesting withdrawal of the Notice of Abandonment mailed July 26, 2005 under the provisions of 37 CFR 1.8(b), and the petition under 37 CFR 1.137(b), filed February 6, 2006, to revive the above-identified application.

The petition under 37 CFR 1.8(b) is **DISMISSED**.

Petitioner requests the Notice of Abandonment mailed July 26, 2005 for failure to respond to the Notice of Allowability mailed May 16, 2002 be withdrawn as petitioner timely filed a response. As evidenced by the attached post card receipt and issue fee payment with a certificate of mailing date of August 16, 2002 a response was timely entrusted to the mails and received at the USPTO on August 26, 2002. However, the evidence of record indicates that corrected drawings as required in the Notice of Allowability were not filed.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed May 16, 2002, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on August 17, 2002.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form corrected drawings; (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. Accordingly, the corrected drawing is accepted as having been unintentionally delayed.

Application No. 09/322,715

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence, the undersigned.

The application file is being referred to the Office of Patent Publication.

A handwritten signature in black ink, appearing to read "B Hearn".

Brian Hearn
Petitions Examiner
Office of Petitions

Attachment: Notice of Draftsperson's Patent Drawing Review, Form PTO-948